

DETAILED ACTION

Claim Objections

1. Claims 3-8 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the preamble of Claim 2 only recites the receptacle from claim 1 and preamble does not recite the receptacle and the bottle of claim 1. It is therefore unclear if claim 2 is a combination or subcombination of claim 1. For examining purposes, it will be assumed as claiming both the receptacle and bottle.

Claims 3-8 are rejected for incorporating the above error from its respective parent claim by dependency.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sartore (US Pat No. 5,931,334).

Regarding claim 1, Sartore teaches an Insulated Bottle (2), characterized by a closure capped reusable Bottle capable of holding liquids and an insulatory, non-permanently assembled, rigid polymer Receptacle (7) adapted to store said Bottle in a securably, non-rotatably and mostly spaced apart manner (column 2 lines 52-57), said Receptacle comprising a hollow single walled Body (column 2 lines 47-50, figure 1), a Bottle Restrainer (11) and a Top Cup (30), said Bottle being clear (column 1 lines 17-21) and having within its upright body, a limited non circular portion and a substantial circular portion, only the non circular upright portion of said Bottle being touched and held by said Body's upright inner to make said Bottle non-rotatable within said Body (column 2 lines 44-55), said Bottle's neck end being external of said Body affixed Restrainer (figure 2), said Bottle's circular, externally threaded neck taking a removable and refixable circular Closure Cap (29), said circular Closure Cap on Body stored Bottle being openable and closable without making said Bottle rotate or lift up (figure 2, column 2 lines 44-55), said Body being reflectively opaque, or clear, or mostly opaque with a fitted clear window in its upright wall (column 2 lines 47-48), and said Top Cup accommodating a short or a long Closure Cap (figures 2-3).

Regarding claim 2, Sartore teaches the Receptacle being formed from the non-permanent sequential assembly of three rigid polymer components (figure 3, column 4 lines 4-5), a hollow single walled Body (column 2 lines 47-50, figure 1), a Bottle Restrainer (11) and a Top Cup (30), wherein operationally said hollow Body accepts and seats said Bottle's entire body part base first but leaves said Bottle's shoulder and neck part outside itself (figures 2-3), said Body's inner touches said entered Bottle's upright body partly and so makes said accepted Bottle non-rotatable, then takes said Restrainer onto its open end mouth wall in a way that self seated Bottle is restrained within said Body yet said Bottle's upper shoulder and closure capped neck part are uncovered, and then takes said Top Cup over self seated Bottle's closure capped neck part and self affixed Restrainer to completely cover said seated Bottle (figures 2-3).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Larson (US Pat. No. 4,076,139) discloses a/an insulated bottle container having a bottle support as one part. Buddrus (US Pat. No. 3,120,319) discloses a/an protective container. Lawlor (US Pat. No. 2,889,065) discloses a/an perfume container. Kilius et al. (US Pat. No. 1,561,937) discloses a/an thermocontainer. Laurent (US Pat. No. 6,155,452) discloses a/an arrangement for resealing carbonated beverage containers. Campi (US Pat. No. 6,604,649 B1) discloses a/an container for the thermostatic preservation of liquids. Laurent (US Pat. No. 6,311,865 B1) discloses a/an arrangement for resealing carbonated beverage containers.

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Ramirez et al. (US Pat. No. 6,126,024) discloses a/an convertible cup for vacuum bottle.

Altenberg (US Pat. No. 1,551,778) discloses a/an double-walled vessel.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NED A. WALKER whose telephone number is (571)270-3545.

The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on 571-272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NW
12/17/07

/Joe H Cheng/
Supervisory Patent Examiner
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